

New team moves to undo last-minute rule changes

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Barack Obama has moved swiftly to freeze a number of regulations introduced during George Bush's last days in office that strip away protection for workers and the environment.

The memo from the White House chief of staff, Rahm Emanuel, called on federal agencies and departments to put a stop on newly issued rules that have yet to come into effect, pending a "legal and policy review" by the incoming administration.

However, the majority of the so-called "midnight regulations" - such as diluting the powers of the endangered species act and relaxing the rules for mountain-top coal mining - have already come into effect and cannot easily be undone.

Noah Greenwald of the Centre for Biological Diversity welcomed the move but warned: "The majority of regulations threatening our environment, health and economy, however, will need to be undone by Congress, the courts or new rule-making."

"Midnight regulations" have become something of a tradition for incoming presidents ever since Ronald Reagan started the practice. In 2001 Bush ordered his chief of staff, Andrew Card, to halt a host of last-minute rule changes from Bill Clinton's administration.

But Obama faces a far greater challenge. Bush outdid all previous presidents in his efforts to leave a permanent imprint on government regulations long after his term had come to an end. In the final two months of his administration, officials rushed through nearly two dozen controversial rules, according to an advocacy group monitoring the Office of Management and Budget, OMB Watch.

The rules extended from healthcare to the environment to workplace safety, but all were grounded in Bush's disdain for the government's role as a regulatory authority.

There was no let-up even as his presidency wound down. Two rules that have been widely criticised by environmentalists came into effect on Tuesday - the day Obama was

sworn in as president.

One regulation widely criticised by environmentalists exempts factory farms from maintaining air quality reports from animal waste, while another makes it easier for companies to burn hazardous waste as fuel.

On 17 January, 800,000 hectares (2m acres) in the Rocky Mountain West were opened up to highly polluting oil shale development, and a rule allowing coal mining operators to dump the waste from mountain top removal in streams came into effect on 12 January.

Another widely criticised regulation allowing people to carry a loaded and concealed gun in a national park took effect on 9 January.

The move by Emanuel seeks to put on hold any of the Bush rules that have yet to be implemented. Generally rules come into effect within 30 or 60 days of their publication in the federal register. The Bush administration timed its measures to make sure most were implemented before 20 January, which restricts Obama's options.

Repealing is a time-consuming process, and requires the new administration to restart the process. Obama aides have talked about getting Congress to vote down the rules through the congressional review act. But that is seen as a radical move - the act has only been used once.

Democrats also introduced a bill to Congress earlier this month requiring Obama's cabinet officials to approve the regulations before they come into effect.

In some instances, Bush administration officials may have overstepped the mark in their zeal to push through their agenda. The Bush White House declared that one rule - removing federal funding from hospitals that refuse to hire doctors who do not perform abortions - had gone into effect after only 27 days, short of the 30-day minimum, according to OMB Watch.

That could give the Obama camp a much-needed loophole. Otherwise undoing Bush's final orders could prove cumbersome.

Other regulations are already being challenged in the courts. Environmental organisations are suing over a rule that would allow new logging, mining and road building projects in wilderness areas without first studying their impact on endangered species.



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